

TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
THURSDAY, FEBRUARY 27, 2020
SECOND FLOOR MEETING ROOM
7:00 PM

Board Members Present: Eric Carlson, Chairman
Allison Lasso
John Reilly
Paul Nardi
Kenneth Smith

Others Present: Renee LeClair, Zoning Board of Appeals Clerk
Members of the public (see sign in sheet)

Chairman E. Carlson called the meeting to order at 7:00 pm.

Discussion/Possible Action Regarding notice of Decision for 941 Clayton Road: Chairman E. Carlson stated that the task this evening is to discuss and sign the drafted Notice of Decision. There is to be no public input.

Attorney Alexandra Glover announced that she would be recording the meeting.

P. Nardi expressed concern with the vote previously taken. The posting for the hearing in his opinion made it seem that they were voting on a commercial track as indicated in the Building Inspector's letter. E. Carlson said the Boards discussion did not mention a commercial track; perhaps they should check the recording.

P. Nardi moved with a seconded from J. Reilly to reconsider this. 2 Ayes were heard, three members did not vote. The motion hung without a vote.

Attorney Glover spoke to question the legality of reconsidering the original vote, without reposting. She stated that her clients are not present tonight because the thinking was that the Board was only to sign the decision.

E. Carlson summarized what was decided at the last meeting.

Mr. Jim Collingwood called a point of order; there is a motion on the floor without action.

E. Carlson stated that the previous motion should be addressed unless it was withdrawn. P. Nardi stated that he will not be withdrawing his motion as he was not in favor of the decision that was made. J. Reilly said that he was also not in favor of the decision. E. Carlson stated that his vote to reconsider would be Nay.

A. Lasso stated that there is an open motion that needs a vote, we can vote but we need to clarify what we can do legally.

A discussion ensued regarding that the Board reconsidering and if a vote can be taken. P. Nardi stated that it was a vote to reconsider the original vote because not all of the information was available when the hearing was closed. E. Carlson stated that no new evidence can be presented at this time. The public hearing is over, but the Board can discuss the decision that was made. P. Nardi expressed his concern with how the decision was written, inferring that the motorcycle can't even be started to be put on the trailer in the driveway. P. Nardi said he won't sign the decision.

Discussion ensued about the language in the Notice of Decision.

Mr. Jim Collingwood called a point of order; the Board still has a motion on the floor that has not been addressed.

Attorney Glover spoke, the Board can go down a really wrong path. She said it is illegal to re-open the vote an action to that effect will be invalid.

Voices from the audience object to Attorney Glover being allowed to speak. Questions came from the audience as to Attorney Glover right to speak. Mr. Garry Ovitt spoke to the fact that his lawyer is not present.

A. Lassoé stated that there still is a motion and asks if it legal to reconsider. E. Carlson says yes but it has to be strictly on the original evidence at the last hearing. Discussion ensued about reconsidering the decision versus adjusting the language.

K. Smith asked can we re-write this drafted notice or do we need to start this process over. A discussion ensued regarding what the Board is reconsidering.

A. Lassoé asked if P. Nardi would rescind his motion. P. Nardi responded no, I am not going to do that.

Discussion ensued about what is meant by reconsider the entire vote or to adjust the language. P. Nardi stated that he felt we should start over, J. Reilly agreed, as did K. Smith. K. Smith said that while he doesn't like the idea he feels that the Board must do it.

Selectman Wood stood up to express concern about how some people get to speak and others do not. Discussion continued. P. Nardi clarified for the Board that his motion was to reconsider the vote.

K. Smith asked again if changing the language would be acceptable for P. Nardi.

Chairman E. Carlson stated that it might be time for the Board to reach out to Town Counsel regarding on how they can proceed from here. A discussion ensued regarding the deadline for action. Attorney Glover stated that tonight is day 14 and stated that they have 100 days from the close of the hearing, so that would be sometime in March, discussion continued.

A. Lassoé stated that they could change the language of the decision. P. Nardi said with 4.5 acres he should be able to ride somewhere on the property. Chairman E. Carlson said he agreed, as did others.

Discussion ensued as to which Board members voted to approve the Cease and Desist and who did not and was it legal to change a vote.

Discussion continued on what motion was on the floor. P. Nardi stated that 21 times riding during the year 2019 is not excessive in his opinion and he is not changing his vote.

E. Carlson asked if everyone was certain on what was being voted on at the beginning of this meeting. A. Lasso asked J. Reilly if he was aware of what was being voted on. J. Reilly stated that if he were to vote it would be different than the last time. A discussion ensued on what they are voting on.

J. Reilly stated that this was an active positive situation and Chairman E. Carlson told him he needed to stop him as this would be out of order.

Town Counsel indicated that the Board could reconsider.

E. Carlson clarified that the vote was to reconsider the decision.

The roll call vote was as follows:

Chairman E. Carlson – Nay

A. Lasso – Nay

P. Nardi – Aye

J. Reilly – Aye

K. Smith – Aye

Attorney Glover advised the Board that now they need to stop as they need to republish and hold a public hearing.

K. Smith stated our Town Council says we can reconsider. Mr. Jim Collingwood said the vote is gone you have already made the vote to reconsider.

A. Lasso questioned if the reconsider is to make adjustments to the language in the decision.

K. Smith suggested that begin by clarifying the language in the Notice of Decision. A discussion ensued regarding the Building Inspector's decision. A. Lasso states that she feels the language is more restrictive than she originally intended. She also states that limiting days and hours does not seem to be within their powers.

E. Carlson accepts responsibility for not clarifying the initial motion. If the board needs to re - advertise then that is what they have to do.

K. Smith asks P. Nardi if any language change to the decision would be acceptable to him. He says no he wants to see the property be able to be used. E. Carlson says we are out of order.

Attorney Glover spoke, voices came from the audience in objection of her talking again.

K. Smith motioned, with a second from J. Reilley to re-vote on the administrative appeal as drafted.

The roll call vote was as follows:

P. Nardi – Aye

J. Reilley- Aye

K. Smith – Aye

A. Lassoë – 0

Chairman E. Carlson – 0

A discussion ensued.

Attorney Glover interjected advising the Board of the choices they have. She began listing the options that the Board has at this point. The Board has voted at the February 13, and has a draft of that decision in writing. The Board would normally read it, discuss, correct or change the language. If you all agree you can sign it. Another thing you can do is say you have or you may change your mind, you can reconsider the entire process. Then this means the meeting has to stop. You must post re-advertise.

K. Smith asked can the clock stop. Attorney Glover responded that they have time; she believes sometime in March, she does not have exact number of days.

Clarification of what the motion was discussed.

K. Smith retracted his motion.

K. Smith motioned, with a second from P. Nardi that they start discussions on amending the Notice of Decision. The motion passed 5-0

A discussion ensued regarding the language on the notice. What defines a track? A. Lassoë stated that it was her intention to only stop the use of the track and that having the motorcycle on the property was fine as long as he did not use the track. E. Carlson said that he agreed that it was only intended to stop the use of the track. K. Smith stated that the word property should be removed and the word track should be inserted in its place.

Selectman Hawver asked if Chairman Carlson would take a brief recess. Chairman Carlson felt it would not be proper at this time. Hawver then advised that the Board should have adjourned to seek advice from town council when the vote to reconsider the original vote was taken, since it is still on the table without action.

Attorney Glover interjected to point out that K. Smith has made a motion to reconsider the language. Discussion ensued regarding the first motion that had yet to be acted on.

K. Smith retracted his motion to amend the notice of decision.

A discussion ensued. The Board decided to contact Town Counsel and meet again on Thursday, March 5, 2020.

K. Smith motioned, with a second from A. Lasso to close this portion of this meeting. The motion passed 5-0

Approval of Minutes: The Board reviewed the draft minutes from February 13, 2020. **K. Smith motioned, with a second from P. Nardi to approve the February 13, 2020 minutes as presented. The motion passed 5-0**

There being no further business before the Board this evening. **K. Smith motioned, with a second from A. Lasso to adjourn the meeting. The motion passed 5-0.**

Chairman Carlson adjourned the meeting at 7:27 p.m.

Respectfully submitted by:



Renee LeClair
Zoning Board of Appeals Clerk

Documents reviewed at the meeting:
Draft Notice of Decision
Draft February 13, 2020 meeting minutes

Sheffield Zoning Board of Appeals

Date: February 27, 2020

	Name – PLEASE PRINT	Street, Town
1.	Alexandra Glover Jr Berkery	785 Main St, GB
2.	William Crane	290 East Stet RD.
3.	Alyssa Orit	941 Clayton Rd Ashley Falls
4.	Chris Marks April Marks + Ryan Zani	159 Polikoff Rd Ashley Falls
5.	Micole Chase	941 Clayton Rd. Ashley Falls
6.	Chock Pickett	161 Cassin Rd
7.	Colby Stevens	57 Amory lane
8.	Faith Angell	584 West road
9.	Stacy Stevens	57 Amory lane Sheffield
10.	Mike Stevens	57 Amory lane
11.	Travis Whitten	1500 Boardman St
12.	Catie Nagel	184 Bunch Rd
13.	Jan Ross	61 Barrington
14.	Sub FUNK	428 Polikoff

Sheffield Zoning Board of Appeals

Date: February 27, 2020

	Name – PLEASE PRINT	Street, Town
1.	Meryl Oute	271 Silver St. Sheffield
2.	Garry P Oute SR	271 SILVER ST, SHEFFIELD
3.	DAVE SMITH	599 Cooper Hill Rd
4.	Rene Wood	928 Boardman
5.	Kevin Wilkinsa	1515
6.	Andy Barchett	1257 County RD
7.	Anthony White	462 Ashley Falls RD
8.	Anthony White	462 Ashley Falls RD
9.	Alma Zeri	56 New Line Ashley Falls NY
10.	Daniel Martin	180 Bee La Lake
11.	Kendra Hewins	200 Alum Hill Rd.
12.	Walt Hewins	200 Alum Hill rd
13.	Shalea Turner	76 Foot Lane
14.	Laurene Hewins	199 Polikoff

Sheffield Zoning Board of Appeals

Date: February 27, 2020

Name – PLEASE PRINT	Street, Town
1. <u>WALTER D HEWINS</u>	<u>206 ALUM HILL RD ASHLEY FALLS</u>
2. <u>NORMA JEAN MASON</u>	<u>590 SO MAIN, SHEFFIELD</u>
3. <u>Carolyn L. Hawn</u>	<u>50 Hewins St. Sheffield</u>
4. <u>RON G. ZELLER</u>	<u>50 HEWINS ST. SHEFFIELD</u>
5. <u>Jennifer Eloranta</u>	<u>81 Conroy Rd. Sheffield</u>
6. <u>Justin Eloranta</u>	<u>81 Conroy Rd. Sheffield</u>
7. <u>Kirstie Agar</u>	<u>199 Canaan Rd</u>
8. <u>Meghan Latta</u>	<u>920 Hewins St. Sheffield</u>
9. <u>Jan Posa</u>	<u>941 Clayton Road.</u>
10. <u>Blake Oviatt</u>	<u>941 Clayton RD</u>
11. <u>Glenn Barnum</u>	<u>930 Hewins St</u>
12. <u>Madeline Hauer</u>	<u>9 Park Ln</u>
13. <u>Theresa Galtier Wood</u>	<u>773 Clayton Rd.</u>
14. <u>Jan Collymore</u>	<u>773 Clayton Rd</u>

Sheffield Zoning Board of Appeals

Date: February 27, 2020

Name – PLEASE PRINT	Street, Town
1. Andrew consolini	189 water farm RD sheffield
2. DAVID Consolini	189 WATER FARM RD.
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	